

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
ALPINE DIVISION**

MINDY KEELING,  
INDIVIDUALLY AND AS  
REPRESENTATIVE OF THE  
ESTATE OF CORY KEELING  
AND AS NEXT FRIEND OF CORY  
KEELING'S MINOR CHILDREN,  
*Plaintiffs*,  
v.  
MARK VII TRANSPORTATION,  
INC., LOI NGUYEN, AND VU  
NGUYEN,  
*Defendants.*

## **NOTICE OF REMOVAL**

Defendants **MARK VII TRANSPORTATION, INC.**, **LOI NGUYEN**, and **VU NGUYEN** (hereafter “Mark VII”) file this Notice of Removal for the purpose of removing this cause to the United States District Court for the Western District of Texas, Alpine Division, and states as follows:

## I. STATE COURT ACTION

This is an action filed on or about March 30, 2015 in the 143<sup>rd</sup> District Court of Reeves County, Texas, being numbered 15-03-20968-CVR. Suit was filed by Plaintiff Mindy Keeling, Individually, and as Representative of the Estate of Cory Keeling, and as Next Friend of Cory Keeling's Minor Children (hereafter "Keeling") to recover damages arising out of a motor vehicle accident occurring on or about April 19, 2013, in Reeves County, Texas. Plaintiff alleges damages and seeks monetary relief in excess of \$1,000,000.00.

## II. FEDERAL JURISDICTION

Plaintiff Mindy Keeling is citizen of the state of Kentucky for diversity purposes. The

minor children are citizens of the State of Kentucky and decedent Cory Keeling was a citizen of the State of Kentucky at the time of his death.

Defendant Mark VII Transportation, Inc. is a citizen of the State of California, where it is incorporated and has its principal place of business.

Defendant Vu Nguyen is a citizen of the State of California.

Defendant Loi Nguyen is a citizen of the State of Georgia.

The amount in controversy is in excess of \$75,000, exclusive of interest and costs. There is, therefore, complete diversity of citizenship and a sufficient amount in controversy to confer jurisdiction on this court pursuant to 28 U.S.C. §1332. The above-described civil action is therefore one that may be removed pursuant to 28 U.S.C. §§1332, 1441, and 1446 and is hereby removed.

### III. STATE COURT DOCUMENTS ATTACHED

This Notice of Removal has been filed within thirty (30) days after receipt through service or otherwise, of Plaintiff's Original Petition, filed in the 143<sup>rd</sup> District Court of Reeves County, Texas. Plaintiff's Original Petition was served on Defendant Mark VII Transportation, Inc. on April 10, 2015. Loi Nguyen and Vu Nguyen were served on April 13, 2015. Removal is therefore timely under 28 U.S.C. §1446(b). Pursuant to 28 U.S.C. § 1446(a), Defendants Mark VII Transportation, Inc., Loi Nguyen and Vu Nguyen have filed as the Appendix to this Notice of Removal a complete copy of the State's Court file, including copies of all process, pleadings, orders and the Summary Sheet in the State Court action.

Pursuant to 28 U.S.C. § 1446(d), Defendants Mark VII Transportation, Inc., Loi Nguyen and Vu Nguyen will notify the Clerk of the Court in the State Court action of this removal, and will give notice thereof to all adverse parties.

#### IV. RELIEF REQUESTED

Defendants Mark VII Transportation, Inc., Loi Nguyen, and Vu Nguyen respectfully request that Cause No. 15-03-20968-CVR in the 143<sup>rd</sup> District Court of Reeves County, Texas, be removed to the United States District Court for the Western District of Texas, Alpine Division, and that this Court accept this Notice of Removal and that it assume jurisdiction of this case and issue such further orders and processes as may be necessary to bring before it all parties necessary for the trial hereof.

Respectfully submitted,

**MARTIN, DISIERE, JEFFERSON &  
WISDOM, L.L.P.**

By: /s/Mark J. Dyer  
**MARK J. DYER**  
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**ATTORNEYS FOR DEFENDANTS  
MARK VII TRANSPORTATION, INC.,  
LOI NGUYEN AND VU NGUYEN**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing instrument has been mailed, telecopied or hand delivered to all attorneys of record, in compliance with Rule 5 of the FEDERAL RULES OF CIVIL PROCEDURE, on this the 1<sup>st</sup> day of May, 2015.

*/s/Mark J. Dyer* \_\_\_\_\_  
**MARK J. DYER**